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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,698	08/25/2003	Tommy E. White	GP-302475	2469

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EXAMINER

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,698

Applicant(s)

WHITE ET AL.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-16 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12-13 and 15-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Vermeulen (6,022,057).

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Eipper et al.

Eipper et al. (6,224,120) disclose a vehicle comprising: a frame including at least one structural frame member; a body panel forming a first portion of the vehicle exterior; and a metal bumper mounted with respect to the at least one structural frame member for receiving a load in the event of an impact to a portion of the vehicle periphery; wherein at least a portion of the bumper is characterized by a curvature. The first portion and the second portion (despite apparent small gaps) are “substantially” contiguous.

With regard to claim 4, the at least one structural frame member includes two lower rails and two upper rails, and wherein the bumper is operatively connected to the two lower rails and

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the two upper rails such that an impact load received by the bumper in the event of a vehicle impact is at least partially distributed to the two lower rails and the two upper rails.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eipper et al. as applied to claim 4 above and in view of Tohda et al.

With regard to claim 6, Eipper et al. disclose the bumper including an upper bumper bar portion, a lower bumper bar portion, and portion (Figure 5) interconnecting the upper bumper bar portion and the lower bumper bar portion.

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With regard to claim 7, the inner and outer panel each at least partially define the upper bumper bar portion, the lower bumper bar portion, and the portion interconnecting the upper bumper bar portion and the lower bumper bar portion.

Eipper et al. lack the bumper including an inner panel and an outer panel operatively connected to the inner panel.

Tohda et al. (6,447,049) teach a vehicle comprising: a frame including at least one structural frame member 18; and a metal bumper 20, 25 mounted with respect to the at least one structural frame member for receiving a load in the event of an impact to a portion of the vehicle periphery; wherein at least a portion of the bumper is characterized by a curvature.

With regard to claim 4, the at least one structural frame member (Figure 2) includes two lower rails 26 and two upper rails 19, and wherein the bumper is operatively connected to the two lower rails and the two upper rails such that an impact load received by the bumper in the event of a vehicle impact is at least partially distributed to the two lower rails and the two upper rails.

With regard to claim 5, the bumper includes an inner panel 22, 28 (Figure 3) and an outer panel operatively connected to the inner panel.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided inner and outer panels as taught by Tohda et al. in place of the rod profile of Eipper et al. in order to provide an interior cavity for a filling material if so desired.

8. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eipper et al. as applied to claim 1 above and in view of Sundgren.

Eipper et al. lack the bumper including an inner panel and an outer panel, wherein the inner panel is formed by strengthening formations.

Sundgren et al. (6,726,258) teach a bumper having inner and outer panels wherein the inner panel has strength formations 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the bumper of Eipper et al. to have an inner and outer panel wherein the inner panel has strength formations as taught by Sundgren et al. in order to allow the bumper to spread as well as absorb the energy of a collision object.

9. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Vermeulen.

Vermeulen discloses a vehicle comprising: a frame (inherent in conventional vehicles) including at least one structural frame member; a body panel forming a first portion of the vehicle exterior surface (such as 17, see Figure 1); and a metal bumper 2 mounted with respect to the at least one structural frame member for receiving a load in the event of an impact to a portion of the vehicle periphery and forming a second portion of the vehicle exterior surface; wherein at least a portion of the bumper is characterized by a curvature; and wherein the first and second portions of the vehicle exterior surface are substantially contiguous.

With regard to claim 11, the bumper includes an integral tab defining a hole (Figs 2-3).

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eipper et al. in view of Sundgren.

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Eipper et al. (6,224,120) disclose a vehicle comprising: two upper rails 38, 40 and two lower rails 39, 41; and a metal bumper 12 mounted with respect to the two upper rails and the two lower rails for receiving a load in the event of an impact to the periphery of the vehicle, wherein the bumper is characterized by a curvature.

Eipper et al. lack the bumper including an inner panel and an outer panel, wherein the inner panel is corrugated.

Sundgren et al. (6,726,258) teach a bumper having inner and outer panels wherein the inner panel has corrugations 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the bumper of Eipper et al. to have an inner and outer panel wherein the inner panel has corrugations as taught by Sundgren et al. in order to allow the bumper to spread as well as absorb the energy of a collision object.

Allowable Subject Matter

11. The indicated allowability of claims 12-13 and 15-16 is withdrawn in view of the newly discovered reference(s) to Vermeulen. Rejections based on the newly cited reference(s) are set forth above.

Response to Arguments

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents
Washington, D.C. 20231

or faxed to:

(703) 872-9326, (for formal communications intended for entry)

or:

(703) 746-3515, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").



Hilary Gutman

June 1, 2005